

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEAN WILSON, individually and on behalf of all others similarly situated,

Plaintiff,

V.

PTT, LLC, a Delaware limited liability company,
d/b/a HIGH 5 GAMES, LLC, a Delaware limited
liability company,

Defendant.

No. 3:18-cv-05275-RBL

DECLARATION OF TODD LOGAN

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2 1. I am an attorney at Edelson PC, which has been retained to represent Plaintiff
 3 Sean Wilson in the above-captioned matter. I am entering this declaration in support of
 4 Plaintiff's Motion for Class Certification and for Preliminary Injunction (the "Motion").

5 2. I have personal knowledge of the matters stated herein and, if called upon, I could
 6 and would competently testify thereto.

7 3. Exhibits 1-A and 1-B, lodged with the Court on a USB drive and filed under seal,
 8 are true and accurate copies of datasets High 5 produced in discovery as HIGH5_000037 and
 9 HIGH5_000036, which for ease of reference I entitle "High 5 Data Production 1" and "High 5
 10 Data Production 2," respectively. High 5's counsel has represented that these datasets pertain
 11 exclusively to transactions within High 5 Casino.

12 4. In its Rule 30(b)(6) deposition, High 5 testified that High 5 Data Production 1 is
 13 comprised of purchases "made by a user ID that [High 5] had at any point in time received
 14 geolocation data based on their IP that it was a Washington login," whereas High 5 Data
 15 Production 2 is comprised of purchases "that [High 5] could directly tie to a login that we
 16 geolocated to a Washington IP address."

17 5. In its Rule 30(b)(6) deposition, High 5 also testified that High 5 Data Production
 18 2 "does not include all of the purchases made by a player," that High 5 has "had issues"
 19 associating IP addresses with transactions since at least March 2015, and that it would not be
 20 surprising to High 5 that "IP address information is collected less than half the time."

21 6. Based on this testimony, a reasonable finder of fact would likely conclude that
 22 High 5 Production 2 is substantially underinclusive as compared to at-issue transactions in this
 23 litigation, and that High 5 Production 1 is to some extent overinclusive as compared to at-issue
 24 transactions in this case.

1 7. Exhibit 1-C, lodged with the Court on the same USB drive and also filed under
 2 seal, is a true and accurate copy of a dataset Apple Inc. produced in discovery as APL-
 3 WILSON_00220265, which for ease of reference I entitle “Apple Data Production.” This dataset
 4 was produced in response to the subpoena marked “Exhibit A” at Dkt. 81, which sought, *inter*
 5 *alia*, transaction information within High 5 Casino and High 5 Vegas.

6 8. Exhibit 1-D, also lodged with the Court on the same USB drive and also filed
 7 under seal, are true and accurate copies of datasets Google LLC produced in discovery as
 8 2014Transactions, 2015Transactions, 2016Transactions, 2017Transactions, 2018Transactions,
 9 2019Transactions, and 2020Transactions. For ease of reference, I entitle these datasets, together,
 10 “Google Data Production.” These datasets were produced in response to the subpoena marked
 11 “Exhibit B” at Dkt. 81, which sought, *inter alia*, transaction information within High 5 Casino
 12 and High 5 Vegas.

13 9. Pursuant to FRE 1006, “Figure 1” in the Motion summarizes and charts
 14 voluminous data in High 5 Data Production 1.

15 10. Exhibit 1-E, which is being filed under seal, contains six (6) FRE 1006
 16 summaries, charts, and/or calculations of data contained in Exhibits 1-A through 1-D.
 17 Specifically, “Figure 1” in Exhibit 1-E summarizes and charts voluminous data contained in
 18 High 5 Data Production 1; “Figure 2” in Exhibit 1-E summarizes and charts voluminous data
 19 contained in High 5 Data Production 2; “Figure 3” in Exhibit 1-E calculates and summarizes the
 20 top 20 High 5 individual spenders contained in “High 5 Data Production 1”; “Figure 4” in
 21 Exhibit 1-E calculates and summarizes the top 20 High 5 individual spenders in “High 5 Data
 22 Production 2”; “Figure 5” in Exhibit 1-E calculates and summarizes the top 20 High 5 individual
 23 spenders contained in Apple Data Production; and “Figure 6” in Exhibit 1-E calculates and
 24 summarizes the top 20 High 5 individual spenders contained in Google Data Production.

1 11. Attached hereto as Exhibit 2 is a true and accurate copy of Jill Interrante's
2 declaration and a letter that Jill Interrante sent to the Washington State Legislature, entitled
3 "Declaration of Jill Interrante and Letter to Washington State Legislators." Figure 7 in the
4 Motion is an excerpt from the letter Jill Interrante sent to the Washington State Legislature.

5 12. Attached hereto as Exhibit 3 is a true and accurate copy of Aida Glover's
6 declaration, entitled "Declaration of Aida Glover."

7 13. Attached hereto as Exhibit 4 is a true and accurate copy of Willa Moore's
8 declaration, entitled "Declaration of Willa Moore."

9 14. Attached hereto as Exhibit 5 is a true and accurate copy of Jan Saari's declaration,
10 entitled "Declaration of Jan Saari."

11 15. Attached hereto as Exhibit 6 is a true and accurate copy of Laura Perkinson's
12 declaration, entitled "Declaration of Laura Perkinson."

13 16. Attached hereto as Exhibit 7 is a true and accurate copy of Donna Reed's
14 declaration, entitled "Declaration of Donna Reed."

15 17. Enclosed as Exhibit 8 is an iPad containing current versions of Defendant's social
16 casino games, entitled "iPad containing Defendant's social casino games." The iPad is lodged
17 with the Court via U.S. certified mail.

18 18. Attached hereto as Exhibit 9 is a true and accurate copy of a section of the High 5
19 Casino homepage on Facebook, which was created by taking a partial screenshot of the
20 following webpage: <https://www.facebook.com/High5Casino?sid=0.5017073878552765>. Exhibit
21 9 is entitled "High 5 Casino Homepage."

22 19. Attached hereto as Exhibit 10 is a true and accurate copy of a section of the High
23 5 Vegas homepage in the Google Play Store, which was created by taking a partial screenshot of
24 the following webpage: https://play.google.com/store/apps/details?id=com.high5.davinci.VegasCasino&hl=en_US. Exhibit 10 is entitled "High 5 Vegas Homepage."

1 20. Attached hereto as Exhibit 11 is a true and accurate copy of a section of an article
2 on High 5's website, which was created by taking a partial screenshot of the following webpage:
3 <https://www.high5games.com/high-5-games-is-playing-to-win-the-social-casino-race/>. Exhibit
4 11 is entitled "High 5 Press Release."

5 21. Attached hereto as Exhibit 12—and filed partially under seal—is an excerpt from
6 the transcript of the February 19, 2020 deposition of Karl Tangara.

7 22. Attached hereto as Exhibit 13—and filed partially under seal—is an excerpt from
8 the transcript of the February 19, 2020 deposition of Christopher Bate.

9 23. Attached hereto as Exhibit 14 is an excerpt from the transcript of the December 9,
10 2019 deposition of Sean Wilson.

11 24. Edelson PC has no financial stake in High 5 Games, LLC nor any connections to
12 particular class members that might cause it to privilege certain members over others.

13 25. Attached hereto as Exhibit 15 is a true and accurate copy of Edelson PC's firm
14 resume, entitled "Edelson PC Firm Resume."

15 26. Attached hereto as Exhibit 16 is a true and accurate copy of letter Natasha Dow
16 Schüll sent to the Washington State Gambling Commission, entitled "Letter from Professor
17 Natasha Dow Schüll."

19 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on June 26, 2020 at San Francisco, California.

23 _____
/s/ Todd Logan